

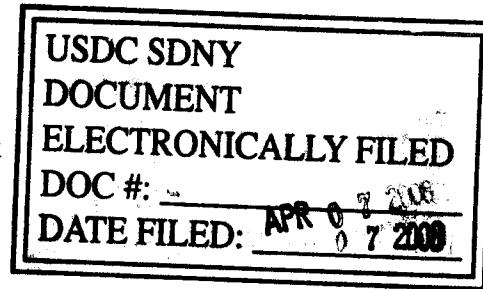
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ALLEN PLOWDEN,
a/k/a "Jay,"

Defendant.



INFORMATION

S1 07 Cr. 669 (VM)

COUNT ONE

The United States Attorney Charges:

1. From in or about March 2006, through in or about August 2006, in the Southern District of New York and elsewhere, ALLEN PLOWDEN, a/k/a "Jay," the defendant, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 1343 and 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that ALLEN PLOWDEN, a/k/a "Jay," the defendant, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, would and did transmit and cause to be transmitted by means of wire, radio, and

television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

3. It was further a part and object of the conspiracy that ALLEN PLOWDEN, a/k/a "Jay," the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did execute, and attempt to execute, a scheme and artifice to defraud financial institutions, the deposits of which were insured by the FDIC, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institutions, by means and false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York, and elsewhere:

a. In or about April 2006, ALLEN PLOWDEN, a/k/a "Jay," the defendant, participated in fraudulently applying for a loan in the amount of \$300,000 from NovaStar Mortgage, Inc. in

Kansas City, MO ("Novastar"), the proceeds of which were not used for their intended purpose;

b. In or about August 2006, ALLEN PLOWDEN, a/k/a "Jay," the defendant, participated in fraudulently applying for a loan in the amount of \$1,426,769.62 from Countrywide Financial in California ("Countrywide"), the proceeds of which were not used for their intended purpose;

c. On or about April 9, 2006, a coconspirator, not charged herein, withdrew the proceeds of fraudulently obtained loans from an Automatic Teller Machine ("ATM") located in New York, New York, making use of an interstate wire communication;

d. On or about April 10, 2006, a coconspirator, not charged herein, withdrew the proceeds of fraudulently obtained loans from an ATM located in New York, New York, making use of an interstate wire communication;

e. On or about April 11, 2006, a coconspirator, not charged herein, withdrew the proceeds of fraudulently obtained loans from an ATM located in New York, New York, making use of an interstate wire communication;

f. On or about April 12, 2006, a coconspirator, not charged herein, withdrew the proceeds of fraudulently

obtained loans from an ATM located in New York, New York, making use of an interstate wire communication;

g. On or about August 19, 2006, a coconspirator, not charged herein, withdrew the proceeds of fraudulently obtained loans from an ATM located in New York, New York, making use of an interstate wire communication; and

h. On or about August 24, 2006, a coconspirator, not charged herein, withdrew the proceeds of fraudulently obtained loans from an ATM located in Manhattan, New York, making use of an interstate wire communication.

(Title 18, United States Code, Section 1349.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the foregoing offenses alleged in Count One of this Information, ALLEN PLOWDEN, a/k/a "Jay," the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 982, any property constituting or derived from proceeds obtained directly or indirectly as a result of his crimes.

6. The interests of ALLEN PLOWDEN, a/k/a "Jay," the defendant, subject to forfeiture pursuant to Title 18, United States Code, Section 982, include but are not limited to a sum of money equal to at least \$2,030,234.62 in United States currency,

representing the amount of proceeds obtained as a result of the offenses charged in Count One.

Substitute Asset Provision

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982, to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982(a)(1) & (a)(2)(B).)

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 18, United States Code,
Section 1349.)

MICHAEL J. GARCIA
United States Attorney.
